In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-541

WILLIAM VON SLEICHTER, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

In 1969, after a jury-waived trial in the District of Columbia Court of General Sessions (now the Superior Court of the District of Columbia), petitioner was convicted for possession of narcotics in violation of 33 D.C. Code 402(a). He was sentenced to and has completed serving a 90 day prison term. The District of Columbia Court of Appeals affirmed in June 1970. 267A. 2d 336 (Pet. App. C). On June 15, 1972, the United States Court of Appeals for the District of Columbia Circuit, which had allowed petitioner's appeal, also affirmed, one judge dissenting

(Pet. App. A), and on August 4, 1972, a petition for rehearing was denied (Pet. App. B).

The bag of heroin was found on the ground next to petitioner after he had been apprehended and arrested for violating a disorderly conduct statute. Petitioner's sole contention is that his arrest for disorderly conduct, which was based on the fact that he had cursed and fled in response to a lawful, and "civil" inquiry (Pet. App. A 5) by a police officer, was unconstitutional. The claim is fully considered and properly rejected in the opinion of the court below, upon which we rely.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

NOVEMBER 1972.